

# Official Minutes for Webb County Commissioners Court Meeting

**Monday, April 28, 2003 at 1:30 P.M.**

**(With corrections approved 05-12-2003 in bold and parenthesis)**

- Item No. 1      Call to order by Judge Louis H. Bruni  
Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:30 p.m. at the regular meeting place with the following members present to wit:

Louis H. Bruni	County Judge
Judith Gutierrez	Commissioner, Pct. 2
Felix Velasquez	Commissioner, Pct. 3
David Cortez	Commissioner, Pct. 4

Absent:

Jerry Vasquez	Commissioner, Pct. 1 (running late)
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Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 25<sup>th</sup> of April 2003. Present also were Ms. Nora Elia Prado, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

- Item No. 2      Roll Call – Margie Ramirez Ibarra, Webb County Clerk

- Item No. 3      Invocation – Cmr. Felix Velasquez

- Item No. 4      Pledge of Allegiance – Cmr. Judith Gutierrez

- Item No. 5      Approval of minutes – April 14, 2003 meeting

Cmr. Gutierrez, Cmr. Velasquez and Cmr. Cortez had no corrections to the minutes. Judge Bruni stated that on Item No. 6, the sales tax received was \$600,000 instead of \$100,000 as stated in the minutes. He stated that on Item No. 21, the funding source should include 2001 as the year of the Bond series. He also stated that

Item No. 36 should show that the correct amount is \$63,000.00 not \$3,000.00.

Comr. Gutierrez motioned to approve minutes with corrections.  
Comr. Velasquez seconded the motion.

Motion carried 4-0 with Comr. Vasquez not present.

Item No. 6      Approval of bills, payroll and monthly reports

Ms. Delia Perales presented the quarterly, sales tax and monthly report to the court. Comr. Velasquez inquired as to the reconciling of the bank statements and if any plans are in place to reconcile the accounts. Ms. Perales stated that she will be requesting that the Court transfer this responsibility to her office but would like for the books to be in order and an independent audit done before the transfer is completed. Comr. Gutierrez inquired as to the amount stated in the sales tax report. She inquired as to why the report showed revenues for April 2003 when the month has not been completed. Ms. Perales stated that she received a report from the State Comptrollers Office which stated that the report was for April 2003 but that it is possible that the State Comptroller's report could be one or two months behind. Comr. Gutierrez voiced concerns that the way the Treasurer's report shows that figures could be misleading and confusing and the effect that this can have on the budget. Comr. Velasquez also expressed concern on these figures. Ms. Perales stated that she reports the figures to the Court as soon as she receives the numbers from the State Comptroller's office. Comr. Cortez inquired as to the status on the expediting of payment to vendors. Ms. Perales stated that she has already met with several departments and is working with them to try and expedite payment to the vendors.

Comr. Gutierrez motioned to approve item as submitted. Comr. Velasquez seconded the motion.

Motion carried 4-0 with Comr. Vasquez not present.

Item No. 7      Communications

Comr. Gutierrez wished to advise the Court that she would like for them to show support for House Joint Resolution 91, which would prohibit unfunded mandates unless they are federal mandates.

She stated that she had hoped for a resolution to be placed on today's agenda so that a copy could be sent to Austin to show support for HJR 91.

Comr. Cortez stated that he would like to thank Hank and Elizabeth Sames for the wonderful program they helped put together this past weekend and that approximately four thousand people attended the event.

Judge Bruni thanked the department heads and elected officials for their hard work and dedication to their departments.

Judge Bruni stated that he would accept a motion to defer Item No. 8 until Comr. Vasquez arrived.

Comr. Cortez motioned to defer Item No. 8 until Comr. Vasquez arrived. Comr. Velasquez seconded the motion.

Motion carried 4-0 with Comr. Vasquez not present.

Item No. 9      Discussion and possible action to appoint members to the Cost Containment Committee

Judge Bruni stated that he would like for each member of the Court to appoint a member of the private sector to the Cost Containment Committee. Comr. Gutierrez stated that she did not have anyone to appoint but would prefer to appoint someone who works in the County and that this be handled internally because the members would understand the operation of the County more than private citizens. Comr. Velasquez stated that he supported the idea of a cost containment committee and would like to appoint Mr. Jorge Gutierrez, a former CPA and current construction company president and a resident of Precinct 3. Comr. Cortez stated that he also supported this committee and would like to appoint Mr. Jorge O. De La Garza, Sr., former County Commissioner. Judge Bruni stated that he would like to appoint Mr. Juan Narvaez, a local businessman and would also like to have VIDA (Voices In Democratic Action) appoint a member to this committee as well.

Comr. Cortez motioned to accept the appointments. Comr. Velasquez seconded the motion.

Motion carried 4-0 with Comr. Vasquez not present.

Item No. 10 Discussion and possible action to empanel a scoring committee for the selection of the Road and Bridge Superintendent from among applicants to the request for qualifications. [Co-sponsored by Judge Louis H. Bruni]

Cmr. Velasquez stated that he would like for this committee to select a superintendent that would bring the department into the 21<sup>st</sup> century. Cmr. Velasquez stated that he would like for a representative from TX Dot on the scoring committee. Cmr. Cortez stated that he would recommend that the Judge select the members of the committee. Cmr. Velasquez stated that he would prefer that each commissioner select a representative to serve on the committee. Mr. Homero Ramirez, County Attorney, stated that the previous committee only verified that all the objectives required were met but did not conduct any interviews. He stated that after the committee verified and the objectives were met, those applications were forwarded to the Court, which then conducted interviews. He also instructed Court to not allow conferencing between Judge and Commissioners on this matter due it would constitute a violation of the Open Meetings Act.

Cmr. Vasquez arrived.

Cmr. Gutierrez stated that if committee would be screening applications, then Mr. Eloy Ramirez would know since he received the RFQ's (Request For Qualifications). Mr. Eloy Ramirez, Purchasing Agent, stated that he did not believe that the committee should be in charge of deciding who should be hired and that it was the Court's responsibility to decide whom to hire. Judge Bruni requested that Mr. Ramirez review applications and report to him which applicants met the qualifications required. He stated that the superintendent would be appointed at the next meeting.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Vasquez motioned to recall Item No. 7. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent to recall Item No. 7

Item No. 7      Communications

Mr. Homero Ramirez, County Attorney, reminded the members of the Court to not engage in any form of discussion with the speakers. He advised the Court that the Judge controls the frequency and length of the presentations in accordance with the limits set by the court. He stated that the 3-minute time limit would not be constituted as an infringement of the freedom of speech.

Cmr. Vasquez apologized to the Court for his tardiness today. He stated that he was with Mr. Alvino Walker undergoing a polygraph test. He stated that he passed the test with flying colors in regards to questions concerning the assault allegations being made against him.

Item No. 8      Public Comment

Dr. Hector Farias, chairman of VIDA (Voices In Democratic Action) was present to address the Court on several issues. He issued to the Court copies of a request for disclosure of public information submitted to Cmr. Cortez to which no response has been made. The letter is requesting information regarding missing funds collected by Cmr. Cortez on behalf of the County from Mr. Arturo Villarreal of Gonzalez Properties. Dr. Farias stated that as per the County Auditor and County Treasurer, those monies were never received or deposited. Mr. Villarreal has gone on record before VIDA, the Laredo Morning Times and the FBI in regards to these missing funds. He stated that VIDA wants to know what happened to that money and Cmr. Cortez has failed to answer their request within the required 10-day limit either with the information or an explanation as to why the information has not been made available. Dr. Farias also addressed the alleged negligence of the County Attorney with several vendors. He stated that the County Attorney was also a private attorney and not a full time County attorney. He requested the Court instruct Mr. Homero Ramirez to do his job. He asked the Court why the County was hiring outside attorneys to defend or counsel the County if that is his job. Dr. Farias also stated that the incident involving Cmr. Vasquez was orchestrated by the Sheriff, Frank Sciaraffa and others and that the Court should suspend these people until this matter can be cleared up. He stated that the County Constituent Relations Officer, Sara Jo

**(Davila)** should also be suspended for her part in this incident and for "politicking" on County time. He also stated that if Mr. Sciaraffa wants to run for Sheriff or Commissioner or whatever that he should do it on his own time and not county time. He also alleged that Mr. Sciaraffa had threatened Ms. Araceli Garcia, a single mother with young children. Judge Bruni stated that the incident involving Cmr. Vasquez was under investigation by the Texas Rangers.

Mr. Tino Alvarez stated that he would not be speaking today.

Mr. Geissler stated that he would not be speaking today.

Mr. Carlos Blanco, Jr., stated that he would be addressing the Court on behalf of the Gonzalez Family. He stated that the family only wants the same respect and dignity that they have shown to Cmr. Vasquez. He stated that the family hopes that something good will come out of this incident.

Mr. Guadalupe Fernando Gonzalez addressed the Court in Spanish. He stated that he was speaking in reference to the incident involving Cmr. Vasquez and his son Fernando Gonzalez. He stated that his son withstood a lot of ill treatment from Cmr. Vasquez and the only thing he wanted was for Cmr. Vasquez to show him the same respect that he shows him.

Mr. Tomas Rodriguez addressed the Court in Spanish. He stated that when he was employed with the County in previous years, he had a similar experience with Cmr. Vasquez and that Cmr. Vasquez had no respect towards him and his co-workers.

Ms. Margie Ramirez Ibarra, County Clerk, presented Certificates of Commission to the newly elected county and precinct officers. She presented the certificates to County Judge Louis Bruni, Cmr. Judith Gutierrez, Cmr. David Cortez and Treasurer Delia Perales. She stated that the certificates for other officials would be hand delivered later on. Judge Bruni stated that he would dedicate the certificate in memory of his father, former County Commissioner Freddy Bruni.

- Item No. 11      Discussion and possible action to enter into an agreement with the State of Texas, acting through the Texas Department of Transportation, to accept for FY 2003 (April 15, 2003

through April 30, 2004) Federal "Section 5310 Elderly and Disabled Grant" (ED 0302(22) 40) in the amount of FORTY THOUSAND DOLLARS (\$40,000.00) and authorizing the County Judge to sign all relevant documents. [Requested by Community Action Agency / El Aguila]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 12 Discussion and possible action to enter into a contract amendment with the Texas Department of Transportation for the State/Local Public Transportation/Grant Agreement Amendment #4, which will distribute the remainder of the Federal Fiscal Year 2003 Appropriation, as distributed by the State of Texas, for the "El Aguila" Rural Transportation Program, being ONE HUNDRED AND SEVENTY THREE THOUSAND TWO HUNDRED AND NINETY FOUR DOLLARS (\$173,294.00) bringing the total amount payable under the Grant to SEVEN HUNDRED AND FIFTY-NINE THOUSAND NINETY-FOUR DOLLARS (\$759,094.00) and authorizing the County Judge to sign all relevant documents. [Requested by Community Action Agency / El Aguila]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 13 Discussion and possible action to enter into a three year (May 1, 2003 through April 30, 2006) lease agreement with XEROX CORPORATION for one DC432DC Digital Copier with 2 trays and Finisher at a monthly cost of TWO HUNDRED AND THREE DOLLARS AND NINETY-EIGHT CENTS (\$203.98) and with one and one half cent (\$0.015) per page for copies in excess of 25,000. The total cost over the term of the lease is SEVEN THOUSAND THREE HUNDRED AND FORTY-THREE DOLLARS AND TWENTY-EIGHT CENTS (\$7,343.28) and authorizing the County Judge to sign all relevant documents. [Requested by

Community Action Agency; Account #952-4216-6014 –  
Equipment Rental Meals on Wheels]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 14 Discussion and possible action to enter into an Interlocal government agreement with United Independent School District for the lease of property for a Head Start Program Center to be located at Prada Elementary School situated in Laredo, Webb County, Texas. The Lease is for five (5) years commencing on August 1, 2003 and ending July 31, 2008, at an annual rent of ONE DOLLAR (\$1.00) and authorizing the County Judge to sign any and all relevant documents.  
[Requested by Head Start Program]

Cmr. Velasquez motioned to approve item as submitted with discussion. Cmr. Gutierrez seconded the motion.

Cmr. Velasquez advised Court that property is owned by U.I.S.D. and wanted to thank the U.I.S.D. Board of Trustees for their assistance in obtaining this property and furthering the Head Start Program. Ms. Eliza Oliveros, Head Start Director, stated that the reason for this location was to work with the school districts so that if the Head Start Program is placed under the Department of Education instead of the Texas Department of Health, the transition will be smoother. She stated that the Core Curriculum Committee that decides the curriculum for the program follow Head Start mandates but are aligning the curriculum to that of the school districts. She stated that the Core Curriculum Committee consists of representatives from L.I.S.D., U.I.S.D., as well as Head Start parents. Cmr. Gutierrez inquired as to whether the parental involvement advocated by Head Start would be affected by aligning the curriculum to that of the school districts. Ms. Oliveros stated that parental involvement is key to the success of the program and continues to be to this day. Cmr. Cortez advised Ms. Oliveros that the Court support the Head Start program and will continue to support this program. Ms. Oliveros stated that she would like to thank the Court for their continued support and thank Cmr. Cortez



for donating a modular building that now houses office space and a classroom for 17 children.

Motion carried 5-0 by unanimous consent.

- Item No. 15 Discussion and possible action to order the acceptance of dedications of 14 rights-of-way (4 rights-of-way, out of Ranchitos IV Los Minerales Subdivision, 4 rights-of-way, out of Ranchitos IV Los Minerales Annex Subdivision, 1 right-of-way, out of the Antonio Santos Subdivision and 5 rights-of-way, out of Ranchos Penitas West Subdivision) from the following individuals:

Tract	Grantee(s)
1. Tract <b>(4)</b>	Benny Wheeler
2. Tract 11	Adolfo Cantu and wife Rosario Cantu
3. Tract 18	Miguel Gamez and Juan Gamez
4. Tract 27	Jose Ramon Gonzalez
5. Tract 50	Luis H. Guevara and wife Adriana Guevara
6. Tract 52	Eric H. McGuire and wife Elva D. McGuire
7. Tract 56	Antonio Medina, Jr.
8. Tract 57	Arnold Pena and wife Grizelda Duarte Pena
9. Tracts 16,17,18 & 19	Jose Carlos Martinez Millan, Administrator for Transportes Marva, S.A. de C.V.
10. Tract 15, Unit II	Jose G. Treviño
11. Tract 15 & 16, Unit II	Jose G. Treviño
12. Tract 17, Unit II	Jose G. Treviño and wife Ma. Dolores Treviño
13. Tract 17, Unit II	Jose G. Treviño and wife Ma. Dolores Treviño
14. Tract 97, Unit VI	Melinda Flores

Cmr. Gutierrez motioned to approve the item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Michael Leblanc of LSC Correction Services was present to address the court in exploring opportunities with Webb County. He stated that LSC is privately owned and was established in 1990. LSC currently owns 3,300 prison beds and employs 400 full time employees. LSC designs and builds the jails it currently controls. He stated that the Southern District of Texas has shown a 300% growth in prison inmates in about 9 years with about a 1000 bed

shortage in the district. He stated that Webb County currently houses 19% of the inmates in the Southern District. LSC would like to design, build, finance and operate a 500-bed facility in Webb County. He stated that in Phase II of the construction, they would like to build an additional 250-bed space to the 500-bed facility. He stated that this would be built using private funds and at no cost to the County. Mr. LeBlanc also stated that Webb County would be held harmless from all liability. He stated that according to the proposed building schedule shows the facility completed in approximately 12 to 14 months. Mr. LeBlanc is requesting the Court approve and endorse the proposals for this project.

- Item No. 16 Discussion and possible action on the approval of a line item transfer in the amount of \$2,500.00 from Equipment Maintenance (Account #001-2503-6402) to Fuel and Lubricants (Account #001-2503-6204) and \$500.00 from Vehicle Maintenance (Account #001-2503-6403) to Uniforms (Account #001-2503-6202).

Comr. Gutierrez motioned to approve the item as submitted. Comr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 17 Discussion and possible action on the approval of a line item transfer in the amount of \$2,000.00 from Repairs and Maintenance Vehicles (Account #001-2501-6403) to Telephone Expense (Account #001-2501-6004).

- Item No. 18 Discussion and possible action on a line item transfer in the amount of \$2,000.00 from Training and Education (Account #001-1100-6011) to Books and Subscriptions (Account #001-1100-6010).

Comr. Vasquez motioned to approve the Item No. 17 and No. 18 as submitted. Comr. Gutierrez seconded the motion.

Constable Annette Munoz, Precinct 3, stated that the residents of Precinct 3, which include the "Quad Cities" of Bruni, Mirando, Oilton and Aguilares, wanted to thank the Court for the approval of the purchase of the new law enforcement vehicle. She stated that the

line item transfer is to get her through to the end of the year. Cmr. Cortez inquired as to why she was requesting \$2,000 for phone expenses when there were only 4 months left in the fiscal year. She stated that the phone she uses is a cellular phone but it is not paid by the County account, but by her department's budget. She stated that she does not have an office and the cellular phone is the only way to contact her. Mr. Eloy Ramirez, Purchasing Agent, stated that the phone Constable Munoz uses was provided by the Marshall's and that she must reimburse the Marshall's for the usage of the phone. Mr. Ramirez stated that departments that use cellular phones are not allotted monies to pay for this expense since they are paid through the county's general utilities fund. Cmr. Gutierrez stated that Constable Munoz is two months in arrears and is in need of funds to pay for this telephone.

Motion carried 5-0 by unanimous consent.

- Item No. 19 Discussion and possible action regarding the insurance requirements for the Mirando City Community Center Expansion and Self-Help Center construction project as awarded to CG Construction, Inc.

Mr. Nathan Bratton, 1<sup>st</sup> Assistant County Attorney, stated that this item dealt with the liability issues and would like for the court to approve additional insurance for the project at a cost of \$1,600.00. He stated that the additional insurance would be for construction insurance, which is always purchased for construction projects. He stated that this project slipped through the cracks and construction insurance was not purchased. Mr. Juan Vargas, Economic Development, stated that there are grant funds available for this expense. He stated that a line item transfer would be requested at the next meeting.

Cmr. Velasquez motioned to approve the item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 20 Discussion and possible action approving work authorization No. 3, Cuatro Vientos Road, to Howard Engineering Co., Inc., DBA Howland Engineering and Surveying Company for a total cost of \$223,966.26, and authorize Howland to engage as

subcontractors Dannenbaum Engineering Corporation (for environmental engineering) and Tobin International (for aerial mapping). This action would be contingent on the City of Laredo paying half the proposed cost of \$111,983.13. [Account #694-7102-6022 Professional Services]

Cmr. Gutierrez motioned to approve the item as submitted contingent on the City of Laredo paying half the proposed cost. Cmr. Velasquez seconded the motion with discussion.

Cmr. Velasquez stated that work authorization No. 3 was necessary because the road was widened. He stated that the road was now a five-lane road with two lanes in each direction and one turning lane. The 2002 Bond Series would be used to cover the costs.

Motion carried 5-0 by unanimous consent.

- Item No. 21 Discussion and possible action to transfer \$2,000.00 from Administrative Travel (Account #001-0106-5601) to Repairs and Maintenance of Vehicles (Account #001-0106-6403).

Cmr. Gutierrez motioned to approve the item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 23 Discussion and possible action to approve the following transfers:

FROM:	Account #903-4208-5001 (Payroll)	\$105,970
	Account #903-4208-5301/5306 (Fringe Benefits)	\$ 45,000
	TOTAL	\$150,970
TO:	Account #903-4207-8410 (Equipment)	\$ 75,000
	Account #903-4207-6001 (Office Supplies)	\$ 810
	Account #903-4207-6069 (Classroom Supplies)	\$ 20,000
	Account #903-4207-6225 (Playground Supplies)	\$ 10,500
	Account #903-4207-6224 (Technology Enhancement)	\$ 10,000
	Account #903-4207-6403 (Vehicle Maintenance)	\$ 10,470
	Account #903-4207-6034 (Vehicle Insurance)	\$ 16,800
	Account #903-4207-6401 (Center Repairs)	\$ 7,390
	TOTAL	\$150,970

Cmr. Velasquez motioned to approve the item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 24 Discussion and possible action to issue "Certifications Regarding Compliance with Plat Requirements and the Connection of Utilities" to authorize utility connections to the following properties:

Connection(s) qualifying under Section 232.028:

- 1) Lot 13, Lewis Subdivision, (electricity – one dwelling only)
- 2) Lot 9, Block 70, Bruni Subdivision, (electricity –one dwelling only)

Connection(s) qualifying under Section 232.029 (i):

- 1) Lot 6, Ranchitos Los Centenarios Subdivision, (electricity-one dwelling only)

Cmr. Vasquez motioned to approve the item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 25 Discussion and possible action to authorize the Purchasing Agent to obtain geotechnical engineering services from Drash Consulting Engineers, Inc. for the Justice of the Peace Precinct 2, Place 1 & 2 building in the amount of \$2,400.00 (Account #679-8105-8103 Building Improvements Construction in Progress Fund) and the Juvenile Youth Village in the amount of \$4,800.00 (Account #684-1306-6022 Professional Services) for a total of \$7,200.00.

Cmr. Gutierrez motioned to approve the item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 26 Discussion and possible action to authorize the Purchasing Agent to purchase twelve (12) refrigerators through a state contract with Sears in the amount of \$6,060.00 for the Community Action Agency Weatherization Program [Account #916-4228-6224-1 Minor Apparatus / Tools Refrigerators]

Cmr. Gutierrez motioned to approve the item as submitted. Cmr. Vasquez seconded the motion.

Cmr. Velasquez stepped out.

Cmr. Gutierrez inquired as to the method used in distributing these refrigerators. Ms. Cynthia Mares, Community Action Agency Director, stated that the distribution is based on referrals from agencies and income limit qualifications. The refrigerators are then delivered to the qualified individual's home and installed.

Motion carried 4-0 with Cmr. Velasquez not present for voting.

- Item No. 27 Discussion and possible action to finalize the ranking of architects, after consideration of recommendation of scoring committee, and designate negotiating agent for this project and authorize negotiation of compensation and contract terms in response to P-2003-13 "Request for proposals for Architectural Services for the Webb County Records Management Expansion Project." [Account #685-0116-6022 Professional Services]

Mr. Eloy Ramirez, Purchasing Agent, stated that the scoring committee had reviewed the proposals received and recommended Sepulveda and Associates for this project. Mr. Homero Ramirez, County Attorney, stated that negotiation would be attempted with highest-ranking proposer. If a negotiation could not be made, then negotiation would begin with the next highest proposer. Mr. Eloy Ramirez stated that the committee consisted of himself, Mr. Raul Casso, Chief of Staff, Homero Ramirez, County Attorney, Leo Flores, County Auditor, Jorge Flores, Chief Financial Officer, and Tomas Rodriguez, Engineering Department.

Cmr. Velasquez returned.

Cmr. Vasquez motioned to approve the item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez motioned to recommend Mr. Eloy Ramirez as the negotiating agent. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 22 Discussion and possible action to extend the length of employment for Slots #1695, 1701, 2155 and 2156, part-time Substitute Teachers (15 hr/wk at \$6.94/hr) from 10 months to 11 months. [Account #903-4208-5001 Payroll Head Start]

Cmr. Vasquez motioned to approve the item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 28 Discussion regarding Risk Management Annual Report for fiscal year 2001-2002.

1. Health Insurance Program
2. Worker's Compensation Program
3. Property / Casualty / Liability
4. Loss Control

Cmr. Cortez motioned to accept the Risk Management Annual Report. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 29 Discussion and possible action to name Juanita Puente, Risk Manager, as Privacy Officer and as contact officer for purposes of complaints about the use or disclosure of Protected Health Information (PHI) in order to comply with the HIPAA Privacy Rule (45 Code of Federal Regulations Parts 160 and 164), and authorizing the issuance of a Notice of

Privacy Rights to every participant in the County's Health Plan and any matters incident thereto.

Comr. Gutierrez motioned to approve the item as submitted. Comr. Vasquez seconded the motion.

Ms. Juanita Puente, Risk Manager, stated that this item was in regards to a federal mandate that was brought to her attention. Comr. Cortez inquired if this would only affect Ms. Puente's department. Ms. Puente stated that this would affect everyone covered by the Webb County insurance. Comr. Cortez stated that he did not like the idea of someone going to the various departments and requesting confidential information. Mr. Nathan Bratton, 1<sup>st</sup> Assistant County Attorney, stated that this item was in regards to health insurance information to remain confidential and the need to appoint someone to handle any complaints of breeches of confidentiality on health insurance information.

Motion carried 3-1 with Comr. Cortez voting against and Judge Bruni abstaining from voting.

- Item No. 30      Discussion and possible action regarding Cause No. 2001-CVQ-001309-D1; Javier Rene Sandoval and Patricia Sandoval, et.al v Webb County, Texas, et.al; In the 49<sup>th</sup> Judicial District Court of Webb County, Texas. **[Closed session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]**

Comr. Velasquez motioned to defer item to end of meeting. Comr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent to defer item to end of meeting.

- Item No. 31      Discussion and possible action to solicit proposals for depository of funds belonging to the County of Webb for a period of four years, with an option to re-negotiate during the final two years of the contract.

Comr. Velasquez motioned to approve the item as submitted. Comr. Vasquez seconded the motion.



Cmr. Cortez inquired as to whether the present contract is for four years. Ms. Perales stated that the present contract is for two years but she was requesting the contract be for four years. She stated that a two-year contract would not be enough time and there are many extra expenses due to the change in banks such as purchasing new checks, delays in reconciling accounts, etc. Cmr. Velasquez and Judge Bruni stated that they shared the same concerns as Cmr. Cortez because a four year contract seemed like too long of a time for a depository contract because the County could miss out on better interest rates at another bank.

Cmr. Velasquez moved to amend his motion so that that contract would be for a two-year period.

Ms. Perales restated that two years was too short of a period and that the four year contract she proposed would have an option to re-negotiate with the bank after the first two years. Mr. Leo Flores, County Auditor, recommended the court solicit proposals for both two and four year contracts because some banks will give a better deal with a long-term contract.

Cmr. Vasquez withdrew his second.

Cmr. Velasquez motioned to request both two and four year proposals. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Cortez stepped out.

Cmr. Gutierrez motioned to move into Executive Session. Cmr. Vasquez seconded the motion.

Motion carried 4-0 with Cmr. Cortez not present for voting.

#### EXECUTIVE SESSION (3:40 P.M. TO 4:13 P.M.)

Call to order by Judge Bruni. He stated that no action was taken during Executive Session.

Item No. 30      Discussion and possible action regarding Cause No. 2001-CVQ-001309-D1; Javier Rene Sandoval and Patricia Sandoval,

et.al v Webb County, Texas, et.al; In the 49<sup>th</sup> Judicial District Court of Webb County, Texas. [**Closed session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]**]

Mr. Homero Ramirez, County Attorney, stated that he is recommending a settlement along the perimeters discussed in Executive Session.

Cmdr. Gutierrez motioned to accept Mr. Ramirez's recommendation. Cmdr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmdr. Gutierrez motioned to recall Item No. 31. Cmdr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent to move up Item No. 31.

Item No. 31      Discussion and possible action to solicit proposals for depository of funds belonging to the County of Webb for a period of four years, with an option to re-negotiate during the final two years of the contract.

Mr. Homero Ramirez, County Attorney, stated that he would recommend including County Trust Funds as depository funds in the contract.

Cmdr. Gutierrez motioned to approve item as per County Attorney's recommendation. Cmdr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 32      Adjournment

Cmdr. Gutierrez motioned to adjourn the meeting. Cmdr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.